



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

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MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *Δ9B*
Assistant Attorney General

SUBJECT: Weekly Report for July 2, 2001- July 13, 2001

THIS WEEK

Congress is in recess this week.

Espionage Prosecutions—Trofimoff: A briefing for Senate Intelligence Committee staff by John Dion from the Criminal Division's Internal Security Section on the espionage trial and conviction of Trofimoff, a retired Army reserve officer, is scheduled for July 2. He will be joined by representatives from the FBI and Army. (Walter)

Prepublication Review Litigation: Senate Intelligence Committee staff have requested a briefing from the Civil Division, Federal Programs Branch, on Stillman v. Department of Defense, which involves a former government contractor's challenge to Defense's assertion that a book he wrote contains classified information. The briefing is in the process of being scheduled (Walter)

Mexico Migration Working Group: The House Immigration Reform Caucus has requested a Member briefing on current discussions between the U.S. and Mexican Delegations. Additionally, a briefing is being scheduled for the Hispanic Caucus. Staff from DOJ and State are coordinating the briefings. (D. Burton)

FBI Whistleblowers: The Senate Judiciary Committee has asked to meet with several FBI agents who claim to be whistleblowers and we are making arrangements for those interviews, which we expect OLA staff to attend. The Committee is likely to request documents and other information on the Bureau's treatment of whistleblowers as that matter becomes a focal point of their FBI oversight activities. (F. Burton)

Pardons and Parole: We continue to respond to requests from the House Committee on Government Reform for information and documents about the late term pardon of Carlos Vignali and the unsuccessful efforts by Roger Clinton to obtain parole for Rosario Gambino, who is

serving a lengthy prison term for drug related felonies. We have sought White House guidance about our response to the Committee on pardon matters due to the significant executive privilege issues presented by the requests. We expect that documents regarding Roger Clinton and Rosario Gambino will be provided to the Committee in the near future. (F. Burton)

THE WEEK AHEAD

Department of Justice Reauthorization: The House Judiciary Committee approved H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act" on June 20. We understand the Chairman would like to take the bill to the floor as early as July 10. The reported bill includes many sections which the Department has sought and also includes provisions that would allow the Department to transfer 200 attorneys from the litigating divisions to the United States attorneys' offices; creates reporting requirements to Congress when it declines to enforce a particular statute, regulation, or policy; creates a Deputy IG for the FBI and establishes a separate and permanent Violence Against Women's Office. OLA is currently drafting a views letter which will be circulated for comment to all components this week for final comment. (Owen)

Yemen: A briefing for House International Relations Committee staff on the withdrawal of FBI agents from Yemen is scheduled for July 12. (Walter)

THE WEEK IN REVIEW

Declination Memoranda and Similar Documents: On June 25, Assistant Attorneys General Bryant and Chertoff met with House Government Reform Committee staff about the declination memorandum itself. They advised the staff that the Administration's policy will be to accommodate congressional oversight interests in prosecutorial decisions by providing a briefing by Department decision-makers to Members and staff about the reasons for our decisions, rather than providing access to or copies of the internal deliberative memoranda about those decisions. We will continue to confer with Committee staff about these matters and hope to schedule a briefing on several declination decisions this week. (F. Burton)

Nominations: The Senate Judiciary Committee has scheduled a nominations hearing for July 11. A decision has not yet been made as to the nominees on the agenda for the hearing. (Scott-Finan)

FBI Handling of Informants: On June 25, Assistant Attorneys General Dan Bryant and Mike Chertoff met with staff for the House Government Reform Committee about the Committee's request for documents relating to the on-going Task Force investigation regarding the Bureau's handling of informants in Boston. We expect to work closely with staff to resolve issues as they arise in our review of documents responsive to the Committee's extensive request. The June 15 Senate Judiciary Committee request encompasses some of the material within the scope of Chairman Burton's request. (F. Burton)

Family Sponsor Immigration Act: On June 26, the House Judiciary Committee approved legislation which would allow a new family member to complete a family-sponsored visa application when the original family member has died before a visa number was available. The committee is still determining a date for this markup. (D. Burton)

Wen Ho Lee: On June 27, Criminal Division Deputy Assistant Attorney General Bruce Swartz and Acting Director for the Internal Security Section John Dion joined representatives from the FBI in providing an overview of this case to Senate Intelligence Committee staff. (Walter)

Montecinos Arrest: Representatives from FBI, joined by OLA, briefed House Intelligence Committee and Senate Intelligence Committee staff in separate briefings on July 27 on the FBI's actions in securing the arrest of Montecinos in Venezuela this week. (Walter, Tanner)

Death Penalty: On June 27, the Senate Judiciary Committee held a hearing on ensuring competent counsel for defendants in capital cases. (Tanner)

Border Crossing Cards: On June 27, the House Immigration Subcommittee approved legislation to provide a one-year extension of the deadline for aliens to present a border crossing card which contains a biometric identifier. INS and State will use this extension to replace outdated cards currently being used. (D. Burton)

Work Authorization Visas: On June 27, the House Immigration Subcommittee approved two pieces of legislation to permit work authorization for spouses of E visa holders (treaty traders and treaty investors) and L visa holders (intracompany transferees). (D. Burton)

Council of Europe Cyber Crime Convention: On June 28, the Department of Justice along with the Departments of State and Commerce briefed the House Judiciary Subcommittee on Crime regarding the Cyber Crime Convention. (Daley)

ICITAP: On June 28, Deputy Assistant Attorney General Bruce Swartz and other Department representatives met with staff on the Senate Foreign Relations Committee regarding the State Department's proposal that ICITAP be transferred to that Department from the Criminal Division. We advised them on an informal basis that, while the State Department's request remains under consideration within the executive branch, there were important reasons for retaining the Program in the Criminal Division. We expect to follow up with Committee staff and provide additional information responsive to their interest in this matter. (F. Burton)

Faith-Based Initiative: On June 28, the House Judiciary Committee marked up H.R. 7, the Charitable Choice bill. The bill was reported out on a party-line vote, after a manager's amendment by Chairman Sensenbrenner (with several second-degree amendments proposed by the minority and adopted unanimously). A markup by the Ways and Means Committee will likely come in the week following the July 4th recess. The Department has been in close consultation with the White House and various members of Congress regarding this bill. (Owen)

Two Strikes for Child Sex Offenders: The House Judiciary Committee, Subcommittee on Crime, postponed both a hearing and markup on H.R. 2146, the Child Protection Act, that would amend Title 18 USC to provide life imprisonment for repeat offenders who commit sex offenses against children that was scheduled for June 28. No new schedule has been announced. The Department has expressed no position on this legislation. (Owen)

Drug Free Communities Act: The House Government Reform Committee, Subcommittee on Crime asked that the Department testify on June 28, regarding the Reauthorization of the Drug Free Communities Act. At issue is the amount of grant money that will be set aside for Administration. John Wilson, Acting Director of OJJDP, testified on behalf of the Department. On June 27, OJP conducted a staff-level briefing with the Subcommittee. (Owen)